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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/905,772	07/13/2001	Linda Angelone	GFM-00201	3503
7590	08/08/2006		EXAMINER FRENEL, VANEL	
Nixon Peabody LLP Clinton Square P O Box 31051 Rochester, NY 14603			ART UNIT 3626	PAPER NUMBER

DATE MAILED: 08/08/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/905,772

Applicant(s)

ANGELONE ET AL.

Examiner

Vanel Frenel

Art Unit

3626

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 May 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-46 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-46 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Notice to Applicant

1. This communication is in response to the restriction mailed on 3/3/06 whereby Applicants elected the invention of claims 1-46. Claims 1-46 are pending.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-46 are rejected under 35 U.S.C. 103(a) as being unpatentable over King et al 95,704,045) in view of Aquila et al (2002/0035488).

(A) As per claim 1, King discloses a method executed in a computer system for performing an assessment comprising:

entering assessment data, said assessment data including information associated with a state fund, an insolvency, and an insurance account (See King, Col.5, lines 45-67);

associating said assessment data with a first status indicating said assessment data is not integrated to a member level in a hierarchical data arrangement of said assessment data, said first status having a first set of at least one corresponding data operation (See King, Col.10, lines 1-29).

King does not explicitly disclose that the method having updating said first status to a second status indicating said assessment data is integrated to said member level in said hierarchical data arrangement, said second status having a second set of at least one corresponding data operation different from said first set.

However this feature is known in the art, as evidenced by Aquila. In particular, Aquila suggests that the method having updating said first status to a second status indicating said assessment data is integrated to said member level in said hierarchical data arrangement, said second status having a second set of at least one corresponding data operation different from said first set (See Aquila, Page 7, Paragraphs 0129-0131; Page 13, Paragraphs 0239-0242).

It would have been obvious to one of ordinary skill in the art at the time of the invention to have included the feature of Aquila within the system of King with the motivation of auditing sub-system which applies insurance carrier specific business rules, government regulations, and comprehensive trending analysis to detect and rectify any inconsistencies and irregular processing of claims, by auditing internal processes or user or service providers submitted data (See Aquila, Page 2, Paragraph 0023).

(B) As per claim 2, Aquila discloses the method wherein said assessment data is entered using a two-phase process including: storing said assessment data in a temporary storage location (See Aquila, Page 4, Paragraph 0082); and loading said assessment data into a database (See Aquila, Page 4, Paragraphs 0082-0085).

The motivation for combining the respective teachings of King and Aquila are as discussed in the rejection of claim 1 above, and incorporated herein.

(C) As per claim 3, Aquila discloses the method further comprising: modifying data used in determining member specific information in said first status (See Aquila, Page 4, Paragraph 0085).

The motivation for combining the respective teachings of King and Aquila are as discussed in the rejection of claim 1 above, and incorporated herein.

(D) As per claim 4, Aquila discloses further comprising: determining a member ratio in accordance with an amount of business of said member per insurance account in a state (See Aquila, Paragraph 0023);

determining a member assessment for at least one member in accordance with said member ratio (See Aquila, Page 12, Paragraph 0222); and

performing an allocation operation causing updating of said first status to said second status (See Aquila, Page 20, Paragraph 0037-0338).

The motivation for combining the respective teachings of King and Aquila are as discussed in the rejection of claim 1 above, and incorporated herein.

(E) As per claim 5, Aquila discloses the method further comprising: performing a post assessment adjustment using updated member data in determining an updated

member assessment, wherein said updated member assessment overrides said member assessment previously determined (See Aquila, Page 15, Paragraph 0272).

The motivation for combining the respective teachings of King and Aquila are as discussed in the rejection of claim 1 above, and incorporated herein.

(F) As per claim 6, Aquila discloses the method further comprising: automatically determining a state override assessment amount overriding said member assessment and said updated member assessment, said state override assessment amount being determining using predetermined amounts specified in accordance with said state (See Aquila, Page 15, Paragraph 0272).

The motivation for combining the respective teachings of King and Aquila are as discussed in the rejection of claim 1 above, and incorporated herein.

(G) As per claim 7, Aquila discloses the method further comprising performing an approval operation causing updating of said first status to said second status (Aquila, Page 15, Paragraph 0272); and

performing, in response to said approval operation, another action using an external system (See Aquila, Page 15, Paragraph 0267).

The motivation for combining the respective teachings of King and Aquila are as discussed in the rejection of claim 1 above, and incorporated herein.

(H) As per claim 8, Aquila discloses the method further comprising: determining an action in response to said approval operation, said action including at least one of: generating a refund check in connection with a member (See Aquila, Page 19, Paragraph 0325); generating a general ledger entry used in an associated accounting system; deferring an assessment in connection with said member; and withholding a payment (See Aquila, Page 19, Paragraph 0327).

The motivation for combining the respective teachings of King and Aquila are as discussed in the rejection of claim 1 above, and incorporated herein.

(I) As per claim 9, Aquila discloses the method wherein said generating a general ledger entry, further comprises: modifying information in connection with said refund check in accordance with user security level (See Aquila, Page 13, Paragraphs 0233-0237).

The motivation for combining the respective teachings of King and Aquila are as discussed in the rejection of claim 1 above, and incorporated herein.

(J) As per claim 10, King discloses the method further comprising: associating said approval operation with a limited ability to modify said assessment including said member assessment, said limited ability to modify including creating an ability to reverse said member assessment (See King, Col.13, lines 18-30).

(K) As per claim 11, Aquila discloses the method further comprising: storing historical activity regarding assessment payments made by at least one member (See Aquila, Page 17, Paragraph 0304); and using said historical activity regarding payments to issue refunds using a last-in-first-out technique (See Aquila, Page 18, Paragraph 0317-0319).

The motivation for combining the respective teachings of King and Aquila are as discussed in the rejection of claim 1 above, and incorporated herein.

(L) As per claim 12, Aquila discloses the method further comprising: selecting a first level of said assessment data (See Aquila, Page 13, Paragraphs 0236-0237); selecting a first element within said first level (See Aquila, Page 13, Paragraph 0242); and retrieving, in response to said first element, a second level of data associated with said first element (See Aquila, Page 13, Paragraphs 0242-0243).

The motivation for combining the respective teachings of King and Aquila are as discussed in the rejection of claim 1 above, and incorporated herein.

(M) As per claim 13, Aquila discloses the method further comprising: recording a payment having an amount that is different than an assessment amount associated with a member, said recording a payment further comprising: applying said payment to a portion of a plurality of assessment amounts (See Aquila, Page 18, Paragraph 0315); applying said payment to a portion of a plurality of assessment amounts associated with said member, each of said assessment amounts indicating an amount for which said

member is assessed for a particular combination of state fund, insurance account and insolvency (See Aquila, Page 6, Paragraphs 0115-0118).

The motivation for combining the respective teachings of King and Aquila are as discussed in the rejection of claim 1 above, and incorporated herein.

(N) As per claim 14, Aquila discloses the method further comprising: prior to performing said allocation operation: adjusting premium information associated with at least one member (See Aquila, Page 18, Paragraph 0315); and recalculating a member ratio for said at least one member including recalculating said numerator and said denominator portions of said ratio (See Aquila, Page 18, Paragraph 0315).

The motivation for combining the respective teachings of King and Aquila are as discussed in the rejection of claim 1 above, and incorporated herein.

(O) As per claim 15, Aquila discloses the method further comprising, after performing said approval operation, adjusting first member premium data associated with a first member including adjusting a member ratio associated with said first member, said adjusting said member ratio including only recalculating a numerator portion of said member ratio (See Aquila, Page 18, Paragraph 0315).

The motivation for combining the respective teachings of King and Aquila are as discussed in the rejection of claim 1 above, and incorporated herein.

(P) As per claim 16, Aquila discloses the method wherein said first member premium data is associated with a particular premium year, and the method further comprising: tracking references to said first member premium data (See Aquila, Page 17, Paragraph 0304); and automatically updating said references in response to a modification to said first member premium data (See Aquila, Page 13, Paragraphs 0237-0240).

The motivation for combining the respective teachings of King and Aquila are as discussed in the rejection of claim 1 above, and incorporated herein.

(Q) As per claim 17, Aquila discloses the method further comprising: simulating an assessment for a plurality of members, said simulating further comprising: performing a first hypothetical assessment using said assessment data (See Aquila, Page 5, Paragraphs 0100- 0102); allocating said assessment data causing generation of first member-specific assessment data (See Aquila, Page 5, Paragraphs 0100-0102); examining said first member-specific assessment data (See Aquila, Page 6, Paragraphs 0115-0118); and performing one of: unallocating and approving said assessment data (See Aquila, Page 15, Paragraph 0274).

The motivation for combining the respective teachings of King and Aquila are as discussed in the rejection of claim 1 above, and incorporated herein.

(R) As per claim 18, Aquila discloses the method further comprising: in response to approving said assessment data, storing detailed information about said assessment data in a database of historical assessment information, said detailed information being

used in connection with performing at least one other data operation using historical assessment information (See Aquila, Page

The motivation for combining the respective teachings of King and Aquila are as discussed in the rejection of claim 1 above, and incorporated herein.

(S) As per claim 19, Aquila discloses the method further comprising: automatically determining a five year of business activity for at least one member in a particular state for a particular insurance account (See Aquila, Page 15, Paragraphs 0271-0272); and using said five year average in determining a member assessment for each of said at least one members (See Aquila, Page 15, Paragraphs 0271-0272).

The motivation for combining the respective teachings of King and Aquila are as discussed in the rejection of claim 1 above, and incorporated herein.

(T) As per claim 20, Aquila discloses the method further comprising: reversing said assessment data wherein said reversing backs out said assessment data, said reversing including : reversing each data entry associated with a particular insolvency, state fund and insurance account (See Aquila, Page 15, Paragraphs 0271- 0272); allocating and approving data associated with said reversing causing automatic generation of member-specific data in connection with reversing said assessment data previously entered (See Aquila, Page 17, Paragraph 0300).

The motivation for combining the respective teachings of King and Aquila are as discussed in the rejection of claim 1 above, and incorporated herein.

(U) As per claim 24, King discloses a computer program product for performing an assessment comprising:

machine executable code for entering assessment data, said assessment data including information associated with a state fund, an insolvency, and an insurance account (See King, Col.5, lines 45-67);

machine executable code for associating said assessment data with a first status indicating said assessment data is not integrated to a member level in a hierarchical data arrangement of said assessment data, said first status having a first set of at least one corresponding data operation (See King, Col.10, lines 1-29).

King does not explicitly disclose that the machine executable code for updating said first status to a second status indicating said assessment data is integrated to said member level in said hierarchical data arrangement, said second status having a second set of at least one corresponding data operation different from said first set.

However this feature is known in the art, as evidenced by Aquila. In particular, Aquila suggests that the machine executable code for updating said first status to a second status indicating said assessment data is integrated to said member level in said hierarchical data arrangement, said second status having a second set of at least one corresponding data operation different from said first set (See Aquila, Page 7, Paragraphs 0129-0131; Page 13, Paragraphs 0239-0242).

It would have been obvious to one of ordinary skill in the art at the time of the

invention to have included the feature of Aquila within the system of King with the motivation of auditing sub-system which applies insurance carrier specific business rules, government regulations, and comprehensive trending analysis to detect and rectify any inconsistencies and irregular processing of claims, by auditing internal processes or user or service providers submitted data (See Aquila, Page 2, Paragraph 0023).

(V) Claims 25-46 repeat the subject matter of claims 2-23 and respectively as a set of "machine-executable code" rather than a series of steps. As underlying process of claims 2-23 have been shown to be obvious in view of the collective teachings of King and Aquila, it is readily apparent that the system disclosed by the applied prior art performs the recited underlying functions. As such, the limitations recited in claims 25-46 are rejected for the same reasons given above for method claims 2-23, and incorporated herein.

Conclusion

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The cited but not the applied art teaches computer system and methods for supporting workers' compensation/employers liability insurance (6,604,080) and system for syndication of insurance (6,119,093).


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Vanel Frenel whose telephone number is 703-305-4952. The examiner can normally be reached on Monday-Thursday from 6:30 am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Thomas can be reached on 703-305-9588. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

V.F
V.F

July 19, 2006


JOSEPH THOMAS
SUPERVISORY PATENT EXAMINER